

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

**Ft. Worth Division**

ERGUN CANER,

Plaintiff,

v.

JONATHAN AUTRY, *et al.*,

Defendants.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Civil Action No. 4:13-cv-00494 (Y)

\* \* \* \* \*

**DEFENDANT JASON SMATHERS' MOTION FOR LEAVE TO BE REPRESENTED  
BY A NON-RESIDENT ATTORNEY WITHOUT LOCAL COUNSEL IN VIOLATION  
OF LOCAL CIVIL RULE 83.10**

NOW COMES Defendant Jason Smathers to respectfully ask the Court to waive the local counsel requirement of Local Civil Rule 83.10 and allow the undersigned to represent him in this matter unassisted.

Mr. Smathers has good cause to request this relief. He is not a resident of the Northern District of Texas, or even of the State of Texas; he lives and works in Topock, Arizona. He has no connection to the State of Texas and has only been sued in this Court because of the Plaintiff's Texas residence. The undersigned has advised Mr. Smathers for some time in various areas relevant to this case, and as of 13 September 2013 he is admitted to practice before this Court, as well as the United States District Courts for the District of Columbia and the Southern District of New York, the United States Court of Appeals for the District of Columbia Circuit, and the United States Supreme Court. Moreover, this case involves questions of copyright and open government law—areas of the law in which the Northern District of Texas and the Fifth

Circuit do not significantly differ in their interpretation from the rest of the country. Lastly, Mr. Smathers expects that this case will likely be decided on motions and will not require an actual trial before the Court, and so the parties and the Court should not be inconvenienced by the undersigned's lack of physical proximity to the Court.

On 20 September 2013 the undersigned sent an email to Plaintiff's counsel seeking Plaintiff's position on this Motion, pursuant to Local Rule 7.1(b). As of this writing, Plaintiff's counsel has not responded to this inquiry. Defendant Jason Smathers thereby files this as an opposed Motion and certifies that conference was not possible.

A proposed Order accompanies this Motion.

Date: September 24, 2013

Respectfully submitted,

/s/ Kelly B. McClanahan  
Kelly B. McClanahan, Esq.  
N.D. Tex. Bar #984704DC  
National Security Counselors  
1200 South Courthouse Road  
Suite 124  
Arlington, VA 22204  
301-728-5908  
240-681-2189 fax  
[Kel@NationalSecurityLaw.org](mailto:Kel@NationalSecurityLaw.org)

*Counsel for Defendant Jason Smathers*